

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

NATHAN LING,

PLAINTIFF,

VS

CIVIL ACTION NO: 3:20-CV-233

CAMPBELL COUNTY, TENNESSEE;  
JUSTIN CRABTREE; DAKOTA WILLIAMS;  
SEAN BROWN; JOSHUA MILLER, in their  
individual and official capacities;  
and JOHN DOES, names and identities  
not yet known,

DEFENDANTS.

PRETRIAL DISCOVERY DEPOSITION OF:

CODY DOUGLAS

TAKEN ON DECEMBER 12, 2022

\* \* \* THIS STYLE PAGE IS CONTINUED \* \* \*

APPEARANCES:

FOR PLAINTIFF: TONY SEATON, ESQ.

Tony Seaton And Associates  
118 East Watauga Avenue  
Johnson City, TN 37601  
(423) 282-1041

FOR DEFENDANTS: ARTHUR F. KNIGHT, III, ESQ.

Taylor & Knight, GP  
800 South Gay Street, Suite 600  
Knoxville, TN 37929  
(865) 971-1701

1 A. Yeah.

2 Q. And what do you recall first  
3 precipitated this incident?

4 A. The actual call in general?

5 Q. Yeah.

6 A. You want me to explain it all?

7 Q. Please.

8 A. I believe it was a suspicious vehicle  
9 call. They was backed into a, like a driveway or  
10 something.

11 Q. Uh-huh.

12 A. Somebody had called in, one of the  
13 neighbors called it in.

14 Q. Uh-huh.

15 A. Of course I get there. The vehicle is  
16 still there.

17 Q. Uh-huh. Were you the first there?

18 A. Yes, Sir.

19 Q. Okay.

20 A. To my knowledge, yes, Sir. I don't  
21 remember anybody else being with me until...

22 Q. All right.

23 A. ...Deputy Minor. Yeah, I would've been  
24 the first one there and then Deputy Minor, John  
25 Minor, got there.

1 Q. Okay. And Minor was second. Okay.

2 A. To my knowledge. The male, female --  
3 Mr. Ling, let's see, the older female with him. I  
4 say older, I'd say it was about the same age group.

5 Q. Uh-huh.

6 A. And a juvenile.

7 Q. Uh-huh.

8 A. Black male juvenile...

9 Q. Uh-huh.

10 A. ...was in the vehicle.

11 Q. Uh-huh.

12 A. Of course, I made contact.

13 Q. When you say you made contact, what...?

14 A. Made contact, I walked up to the car.

15 Q. Okay.

16 A. Spoke with, I don't know who I spoke  
17 with first. I'm assuming, I don't want to assume.  
18 But the female, I believe, was in the driver's side,  
19 driver's seat.

20 Q. Uh-huh.

21 A. Talked to her...

22 Q. Was Minor there yet?

23 A. Minor? No.

24 Q. Okay. Just you?

25 A. I'm by myself.

1 Q. Just by yourself. Okay.

2 A. To my knowledge, yes, I'm by myself.

3 Q. Okay.

4 A. I ask them, hey, you know, what's going  
5 on? She said, well, we was tired, we pulled over  
6 here, we couldn't, we didn't have money. And I think  
7 she mentioned she didn't have money for a motel or  
8 something. And she said, we pulled over here to  
9 sleep. Of course, I checked the tag. It comes back  
10 stolen, the car comes back stolen. So I get her out.  
11 When I say get her out, I asked her to get out. She  
12 gets out, I take her up. At this time Mr. Ling and  
13 the juvenile, the black male juvenile, was in the  
14 vehicle. I take her up to the car. That's when  
15 Deputy Minor pulls in. I secure her. I put her in  
16 the back seat of my car.

17 Q. Did you cuff her?

18 A. Huh?

19 Q. Did you cuff her?

20 A. I believe, yes. I believe I did. I  
21 believe I did. I checked, patted her and everything,  
22 I, I secured her. I believe I put her in handcuffs.  
23 I put her -- but anyway, I put her in the back seat  
24 of my car. Deputy Minor gets there. So it's been a  
25 little, couple years, few years ago.

1 Q. Sure.

2 A. So I'm trying to remember.

3 Q. Do you, do you, did you tell her she was  
4 under arrest?

5 A. No, at that time I was still  
6 investigating everything. So I didn't really get...

7 Q. When you put somebody in cuffs you put  
8 them under arrest, don't you?

9 A. Not necessarily, no.

10 Q. Okay.

11 A. No. No, she's detained more so to  
12 speak.

13 Q. Okay.

14 A. Anyway, Deputy Minor gets there. He  
15 checks him for warrants. He takes off. When I say  
16 he, Ling, takes off running. It was really dark, it  
17 wasn't real well lit. Takes off running in a yard.  
18 Of course we, Deputy Minor give chase. And then I  
19 started running and I believe I either went behind  
20 the house. I couldn't see nothing, it was dark. And  
21 then the -- Deputy Minor went around the other side  
22 of the house. He had fell. I remember him falling.

23 Q. Minor?

24 A. Minor, yeah. I remember him falling.

25 Q. Uh-huh.

1 here. I don't know. Like right, look right here.

2 Right here,...

3 Q. Uh-huh.

4 A. ...it seems like there's another house.

5 So, but I've -- again, it's been a while back. But

6 either way I, we found him.

7 Q. Well,...

8 A. Or I found him next to the house, laying  
9 on the ground.

10 Q. Let's go at it from this angle. How far  
11 do you think that he had gone...?

12 A. Probably...

13 Q. ...before you found him?

14 A. ...a hundred yards.

15 Q. A hundred yards?

16 A. Maybe. Something around that area.

17 Q. All right. And did you find him next to  
18 a boat or a car or something?

19 A. I found him next to -- well, there was a  
20 truck, a vehicle, I believe it was a truck. He was  
21 laid out near that right next to a house.

22 Q. Uh-huh.

23 A. So yeah, if I recall correctly.

24 Q. Did -- as I, I've, I've read tons of  
25 reports and all this stuff.

1 A. No, you're fine. No, you're fine.

2 Q. And as I read through things, they said  
3 it appeared, or someone said it appeared that he had  
4 run into a car, truck, or a boat.

5 A. Okay.

6 Q. I mean, you were, you were there, I  
7 wasn't there.

8 A. Yes. You know, there was a truck there  
9 so that would probably be accurate then.

10 Q. Well, is that, was that your conclusion?

11 A. That's what I'm remembering.

12 Q. Okay.

13 A. I found him laying on the ground. There  
14 was a truck.

15 Q. Okay.

16 A. But I don't remember whether if he was  
17 under it or -- you know, get what I'm saying? I  
18 don't know -- I don't remember exactly where he was  
19 at. There was a truck near him but I don't remember  
20 how close or what not.

21 Q. All right. We're going to make that  
22 Exhibit Number 6.

23 (WHEREUPON, EXHIBIT NUMBER 6, Aerial Map  
24 Showing Location of Incident with  
25 Markings, IS ADMITTED)



1 Q. So, yeah, you can just let her have  
2 that.

3 A. Absolutely.

4 Q. Or you can hold on to it if you want.

5 A. Okay. That's fine.

6 Q. Either one. Here, Sally, I'll just give  
7 you mine, okay?

8 COURT REPORTER: That's fine.

9 A. Thank you.

10 Q. You, you just hang, you can hang on to  
11 it...

12 A. Okay. Yes, Sir.

13 Q. ...if you need to refer to it. So,  
14 where -- it's just you and John Minor, right?

15 A. At this point.

16 Q. Okay.

17 A. That I can recall on me.

18 Q. All right. That's fair. And it's 11  
19 o'clock at night, right?

20 A. It's dark. Yes, Sir.

21 Q. All right. And did Ling say anything to  
22 you before he started running?

23 A. I don't recall anything.

24 Q. Okay. So you had gotten the female out,  
25 put her in the back of your patrol car.

1 A. She's detained, yes.

2 Q. All right. And then what was Minor -- I  
3 mean, what precipitated Ling to start running?

4 A. Deputy Minor pulled up. I can remember  
5 saying, Minor, I'm up here. I've got a female,  
6 something like that. And the back door on the car  
7 was open and he was in the vehicle and Minor was  
8 talking to him and, of course, he checked warrants.  
9 I can remember him checking warrants 'cause I could  
10 hear him over the radio.

11 Q. Sure.

12 A. And when he come back, when I say he,  
13 I'm talking about dispatch come back with a  
14 confirmation, hey, 29's warrant, he's wanted. As he  
15 was, dispatch was -- I can remember as dispatch was  
16 given that off on the radio, (running sound), he  
17 takes off running.

18 Q. Okay.

19 A. So we're running and that's when Minor  
20 falls.

21 Q. Had, had anybody talked to Ling or to  
22 Jaevon, the black individual...?

23 A. The juvenile.

24 Q. Yeah. ...before, before Ling ran?

25 A. That I don't recall.

1           A.    'Cause I can remember him, he had a head  
2 injury. I could, he had something on it.

3           Q.    Uh-huh.

4           A.    I don't know where exactly, which side  
5 but he had, you could tell that he had an injury on  
6 his forehead somewhere.

7           Q.    Okay.

8           A.    Or on the side of his head.

9           Q.    Was he bleeding?

10          A.    I don't remember that exactly.

11          Q.    Okay.

12          A.    I know it was an injury but I don't, I  
13 don't remember the exact place.

14          Q.    Okay.

15          A.    Okay. So I just knew, hey, he's, he's  
16 not responding, we need, we need to get medical here.

17          Q.    Okay.

18          A.    So one of us, either me or it might have  
19 been Minor, and at that point it seemed like there's  
20 some more deputies got there. They called for EMS,  
21 one of us did, I don't recall who. But, do you want  
22 me to continue?

23          Q.    Hang on a sec, 'cause, you know, I don't  
24 want this to be a, a guessing game or a...

25          A.    No, no, no, no absolutely not, no.

1 officers that respond to somebody sitting in a  
2 parking lot?

3 A. Well, I mean, it depends on what's going  
4 on. I mean, we had someone just run, so I'm  
5 assuming, you know, Sergeant was on his way when he  
6 heard that.

7 Q. Uh-huh.

8 A. So I mean that, that could've been  
9 possible why they came, to know what was going on.

10 Q. All right. So tell me what happens  
11 after you get to Mr. Ling. And he's, you said he's  
12 laying there, he's got some sort of abrasion to his  
13 head.

14 A. Yes.

15 Q. And he's unconscious.

16 A. Yes.

17 Q. Did you all get him to come to?

18 A. I, see I don't -- I know he woke up at  
19 some point, 'cause EMS, I can remember EMS getting  
20 there. But now, of course, I checked, one of us  
21 checked his pockets, you know, he's, he's out.

22 Q. Yeah.

23 A. It seems like we secured him. And I  
24 don't really recall the timeframe, 'cause the, when  
25 we called for an ambulance they got there fairly, if

1 I can remember correct, they got there fairly quick,  
2 the EMS did.

3 Q. Uh-huh.

4 A. And at one point he'd come to. You want  
5 me to continue?

6 Q. Sure. Yeah, that's fine.

7 A. I 'm trying to, I'm -- I don't want to  
8 guess but I do know he tried to -- he come to, he  
9 tried to bite, kick, I mean, just spitting and  
10 everything.

11 Q. And were you still down here where that  
12 star is, at that time?

13 A. No.

14 Q. Where you found him?

15 A. No. We was up, if I could show you  
16 here.

17 Q. Certainly. Uh-huh.

18 A. The ambulance, I believe, was right  
19 around this area and they pulled in.

20 Q. Would you just draw that on here?

21 A. Yeah, absolutely.

22 Q. Use that pen if you would, yeah.

23 A. Now this is not exact.

24 Q. Sure. Approximately, right.

25 A. But to my knowledge, I'll just put an

1 Q. Okay. So was there a point in time  
2 where you were not with Ling before he was  
3 transported by the other officer?

4 A. That I, I don't believe so, 'cause we  
5 took him, we took him to the car.

6 Q. Uh-huh.

7 A. They put him in the back seat...

8 Q. Uh-huh.

9 A. ...as best they could. And he would've  
10 been transported to the jail.

11 Q. Okay.

12 A. So I don't recall ever being away and  
13 them being -- you know, get what I'm saying? I would  
14 have, I was there with them when we was carrying him  
15 to the car. EMS couldn't treat him so they put him  
16 in the car, shut the door. Of course, he's combative  
17 and everything. And at that point my focus went on,  
18 once he was secured,...

19 Q. Uh-huh.

20 A. ...my focus on the juvenile. I needed  
21 to make sure that the juvenile was taken care of.

22 Q. All right. So the entire time that you  
23 were observing him you never saw a police officer or  
24 a sheriff's department employee strike him.

25 A. Not that I can recall, no.

1 Q. Now what do you mean by not that you can  
2 recall?

3 A. I don't -- I didn't see anybody -- I  
4 don't recall seeing anybody hit him, is what I'm  
5 saying. I don't know, other than me trying to hold  
6 him and trying to secure him. We're getting, we're  
7 getting bit at, spit on and everything else. So I  
8 don't know exactly. I just didn't want to get  
9 anything, I didn't want to get bit myself. Or get  
10 hurt myself so I don't remember anybody ever, like,  
11 hitting him. I didn't see anybody do that.

12 Q. And you had no idea that Sergeant Owens  
13 pepper sprayed him?

14 A. Not that I recall to be honest with you,  
15 I don't.

16 Q. All right. So when, when you said that  
17 he -- you first found him and he had an abrasion on  
18 his head, right?

19 A. Yes.

20 Q. And he was unconscious?

21 A. And some kind of -- yes.

22 Q. But he came to?

23 A. Well, yes.

24 Q. What would you describe his condition  
25 once he came to?

1 A. It's been a while back...

2 Q. Right.

3 A. ...so I don't know...

4 Q. What I'm trying to get from you is what  
5 was his condition at the time that you put him in the  
6 patrol car?

7 A. I would say he'd be dazed. I guess you  
8 could put it that way.

9 Q. Was he in real bad condition?

10 A. That, I mean, I don't recall seeing any  
11 kinda blood or anything like that.

12 Q. Okay.

13 A. So I would just say like a dazed  
14 condition.

15 Q. Uh-huh.

16 A. I guess, if that makes sense.

17 Q. All right. So once you got him  
18 handcuffed behind his back when is it appropriate to  
19 strike an arrestee?

20 A. What do you mean, like...?

21 Q. Well, when is it appropriate to hit  
22 somebody with their fist if they don't...

23 A. Once you, once you have somebody  
24 secured, handcuffed, we don't, we're not trained to  
25 do that.



1 A. Now that, I don't know.

2 Q. Yeah.

3 A. That, I don't know. I mean, it's  
4 possible. I mean, if he hit his head...

5 Q. Yeah.

6 A. ...it's a possibility.

7 Q. Uh-huh.

8 A. But I don't -- I mean, he was dazed.

9 Q. Yeah.

10 A. He was kinda, you know, he was fighting  
11 and trying to bite, and you know, and I remember all  
12 that but it could be possible. I mean, I don't, I  
13 don't know.

14 Q. But there was a point in time where you  
15 all conversed with him, wasn't there?

16 A. What do you mean?

17 Q. Well, you had a conversation with him.

18 A. Before, before he ran?

19 Q. No, no. After you got him into the  
20 patrol car.

21 A. That I don't recall, ever talking to  
22 him. No, Sir.

23 Q. Okay. All right. That's fair enough.  
24 When asked if anyone had to use a taser or pepper  
25 spray or strike Ms. McDaniel, Deputy Douglas stated,

1 Defendant Ling was cleared by EMS and both McDaniel  
2 and Ling were transported to the Campbell County  
3 Sheriff's Office."

4 A. Cleared?

5 Q. That's what you said.

6 A. In the warrant?

7 Q. Yeah.

8 A. Well, I guess cleared being they was  
9 like trying to, tried to give him medical attention  
10 and was unable to. I guess that's what I was trying  
11 to refer to.

12 Q. Well, what does...?

13 A. At that point he was cleared, that's  
14 what it said.

15 Q. So is that true that he was cleared by  
16 EMS to be transported?

17 A. That's -- they, they left. They  
18 couldn't really, they couldn't -- he was trying to  
19 bite them and spit on them and kick and stuff so, I  
20 mean, they really -- I guess what I was referring to  
21 was they couldn't, they couldn't do nothing with him  
22 at the scene, is what I'm saying. So,...

23 Q. Well, when you say...

24 A. ...I don't know.

25 Q. When you say cleared, does that mean